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In re Application of
Smith et al.

Application No. 10/501,936

PCT No.: PCT/IB03/00636

Int. Filing Date: 24 January 2003

Priority Date: 29 January 2002

Atty. Docket No.: 121939-04298105

For: Sintering Ultrahigh Molecular
Weight Polyethylene

COMMUNICATION

This is in response to the "Petition To Withdraw Notification Of Abandonment" filed on 19 May 2006.

BACKGROUND

This international application was filed on 24 January 2003, claimed an earliest priority date of 29 January 2002, and designated the U.S. The International Bureau communicated a copy of the published international application to the USPTO on 07 August 2003. The 30 month time period for paying the basic national fee in the United States expired at midnight on 29 July 2004. Applicants filed, *inter alia*, the basic national fee on 21 July 2004.

On 21 October 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(h).

On 01 May 2006, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants, indicating that this application had become abandoned with respect to the national stage in the United States for failure to timely reply to the Notification of Missing Requirements mailed on 21 October 2005.

DISCUSSION

Counsel requests withdrawal of the holding of abandonment on the basis that a response to the Notification of Missing Requirements was filed prior to the expiration of the period for response as extended under 37 CFR 1.136(a). Review of the record reveals that the instant petition was accompanied by a petition and fee for a five-month extension of time under 37 CFR 1.136(a), such that the period for response was extended to 22 May 2006 (since 21 May 2006 was a Sunday). As such, the Notification of Abandonment mailed on 01 May 2006 was premature, and it is hereby VACATED.

CONCLUSION

The petition for withdrawal of the holding of abandonment is GRANTED.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is 19 May 2006.

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